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16 RAMESH "SUNNY" BALWANI

17 UNITED STATES DISTRICT COURT  
18 NORTHERN DISTRICT OF CALIFORNIA  
19 SAN JOSE DIVISION

20 UNITED STATES OF AMERICA,

21 Case No. 18-CR-00258-EJD

22 Plaintiff,

23 v.  
24 **STIPULATION TO EXCLUDE TIME  
25 FROM SEPTEMBER 1, 2020 TO  
26 DECEMBER 8, 2020 AND [PROPOSED]  
27 ORDER**

28 ELIZABETH HOLMES and  
RAMESH "SUNNY" BALWANI,

Defendants.

## **STIPULATION**

WHEREAS, on July 23, 2020, the Court entered an Order, based on the parties' stipulation that also recited prior excluded time periods, and in that Order excluded time from July 28, 2020, through August 31, 2020, upon finding that the ends of justice served by excluding such time outweighed the best interests of the public and the defendant in a speedy trial.

WHEREAS, during the status hearing held on August 11, 2020, the Court inquired about excluding additional time in Mr. Balwani's case, and counsel responded that he would discuss the matter with Mr. Balwani in advance of potentially working with the government to submit a stipulation and proposed order to the Court.

NOW THEREFORE, the parties have conferred and hereby stipulate and agree that the Court should enter the order below excluding time under the Speedy Trial Act from September 1, 2020 through December 8, 2020. The parties also respectfully suggest that, per the Court's comments at the August 11, 2020 status hearing, the Court vacate the status hearing for Mr. Balwani currently set for August 31, 2020 and reschedule that hearing for December 8, 2020 or at another time convenient for the Court.

## IT IS SO STIPULATED.

1 DATED: August 14, 2020

JEFFREY B COOPERSMITH  
Orrick, Herrington & Sutcliffe LLP

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4 By: *s/ Jeffrey B. Coopersmith*  
5 JEFFREY B COOPERSMITH  
6 Attorney for Defendant  
7 RAMESH "SUNNY" BALWANI

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ADAM A. REEVES  
Attorney for the United States,  
Acting Under Authority Conferred  
By 28 U.S.C. § 515

DATED: August 14, 2020

*s/ Robert S. Leach*  
ROBERT S. LEACH  
JEFF SCHENK  
JOHN C. BOSTIC  
VANESSA BAEHR-JONES  
Assistant United States Attorneys

## [PROPOSED] ORDER

Based upon the facts set forth in the stipulation of the parties and the representations made to the Court on August 11, 2020 and for good cause shown, the Court finds that failing to exclude the time from September 1, 2020, through December 8, 2020, would unreasonably deny counsel and the defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence and given the complexity of the case. 18 U.S.C. § 3161(h)(7), (B)(iv). The Court finds that the ends of justice served by excluding the time from September 1, 2020, through December 8, 2020, from computation under the Speedy Trial Act outweigh the best interests of the public and the defendant in a speedy trial. Therefore, and with the consent of the parties, IT IS HEREBY ORDERED that the time from September 1, 2020, through December 8, 2020, shall be excluded from computation under the Speedy Trial Act. 18 U.S.C. § 3161(h)(7)(A), (B)(iv).

The Court further ORDERS that the status hearing set for August 31, 2020 is hereby vacated, and is reset for December \_\_\_, 2020, at \_\_\_\_\_.

DATED:

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THE HONORABLE EDWARD J. DAVILA  
United States District Judge